

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DARELL SPARKS,
Plaintiff

vs.

STEVEN R. DELUCA, et al,
Defendants.

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C.A.No. 18-175ERIE

Magistrate Judge Baxter

MEMORANDUM AND ORDER

Plaintiff submitted a Motion to Proceed In Forma Pauperis (ECF No. 1) along with a civil rights Complaint on June 13, 2018. When submitting a Motion for Leave to Proceed In Forma Pauperis, a plaintiff is required to submit “an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor.” 28 U.S.C. § 1915(a)(1). In addition to the aforementioned affidavit, an indigent plaintiff is further required to “submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.” 28 U.S.C. § 1915(a)(2). In this case, Plaintiff failed to submit a copy of a trust fund account statement. Therefore,

IT IS HEREBY ORDERED this 9th day of July, 2018, that Plaintiff’s Motion for Leave to Proceed In Forma Pauperis [ECF No. 1] is **DISMISSED**.

IT IS FURTHER ORDERED that the Clerk of Court is directed to mark this case closed.

IT IS FURTHER ORDERED that Plaintiff may reopen the case by paying the \$350.00

filing fee and the \$50.00 administrative fee, or submitting another motion for leave to proceed in forma pauperis along with a certified copy of the inmate account statement for the six (6) months preceding the filing of the complaint.

AND IT IS FURTHER ORDERED that the parties are allowed fourteen (14) days from this date to appeal this order to a district judge pursuant to Local Rule 72.C.2. Failure to appeal within fourteen (14) days may constitute waiver of the right to appeal.

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States Magistrate Judge